

REMARKS

Please enter the editorial amendments to claims 3 and 6. The corrected spelling of "amide" presents no new matter issue and obviates an clerical oversight.

The new proposed independent claims find support in the specification throughout, including pages 10, lines 8-14, page 13, lines 14-20, and pages 15-16, including Example 2. It is respectfully requested that the claims be entered.

Applicants claims 2, 3, 5 and 6 define unobvious inventions over JP 46-27874 in view of Ishii et al. '744 or JP 06-93070 or JP 57-108154.

The present invention relates to a composition comprising an amide compound of formula (I) and at least one hindered phenol compound of formula (II) or (III).

The presently claimed composition has good NO_x resistance and prevents, if not reduces, discoloring or coloring of polyurethane as well as exhibiting good anti-leaching properties while dyeing a polyurethane.

The primary reference does not teach the use of hindered phenol antioxidants. Office Action, page 3.

The primary reference does not teach a combination of an amide compound of Applicants' formula (I) in combination with a hindered phenol defined by formula (II) or formula (III).

The secondary references are also seen to be deficient.

Applicants accordingly respectfully request the Examiner to reconsider and withdraw the alleged *prima facie* case of obviousness. The Office Action recounts that "The primary reference is silent regarding the use of hindered phenol antioxidants; however, hindered phenols were known polyurethane antioxidants at the time of invention. This position is supported by the teachings of the secondary references." Office Action, item 4, page 3. The Office Action

therefore presents an assertion that it would have been *prima facie* obvious to use the allegedly known materials in the primary reference.

Applicants respectfully submit, however, that a fair reading of the secondary reference, Ishii et al., vitiates the assumptions underlying the rejection. The Ishii et al. reference actually teaches in Table 2 at columns 5 to 7, and particularly also in the Comparative Examples, that many of the disclosed hindered phenol type compounds, which may be encompassed by the hindered phenol type compounds the present invention, are not effective. This demonstrates that a person of ordinary skill in the art would not have had a reasonable expectation of achieving Applicants' success. Thus, the Ishii et al. reference, when taken as a whole as is required under Section 103, does not support the rejection. In fact, the very converse is true; it teaches away from the invention.

Applicants furthermore respectfully submit that there would have been no motivation to combine the JP 46-27874 reference with the Ishii et al. reference plus either the JP 6-93070 or the JP 57-108154 reference for additional reasons.

The JP 6-93070 reference is silent as to NOx resistance or preventing discoloring or coloring of polyurethane or the good anti-leaching property of polyurethane in dyeing. Besides, the JP 6-93070 reference focuses on problems unrelated to improving NOx resistance, preventing discoloring or coloring of polyurethane or providing good anti-leaching characteristics while dyeing a polyurethane.

The JP 57-108154 reference discloses a composition containing polyurethane and a hindered amine and a compound selected from an organic phosphorous compound and a sulfur compound, which composition shows good weather resistance, or heat resistance. The JP 57-108154 reference discloses a combination of four stabilizers, which would not have been suggestive of the combination of the present composition and process. The disclosure is drawn

In re Appln. of KIMURA et al. - Application No. 09/529,717


to a combination of a hindered phenol compound, a hindered amine, and compounds selected from an organic phosphorous compound and a sulfur compound as disclosed in abstract.

Therefore, since the cited references would not have suggested their combination claimed, nor the Applicants' combination, nor that the defined hindered phenols or amide compounds would confer stability while concurrently improving NOx resistance, preventing discoloration or coloring, and avoid leaching ("anti-leaching") while dyeing a polyurethane, Applicants respectfully suggest that their claimed inventions would have been unobvious.

Applicants respectfully solicit a notice of Allowance.

Respectfully submitted,

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APPENDIX

**CLAIMS AS AMENDED IN RESPONSE TO THE
OFFICIAL ACTION MAILED FEBRUARY 7, 2002**

3. (Twice Amended) The composition according to claim 2, wherein the amide is at least one selected from the group consisting of stearic acid ~~amid~~ amide and behenic acid amide.

6. (Twice Amended) The process according to claim 5, wherein the amide is at least one selected from the group consisting of stearic acid amide and behenic acid ~~amid~~ amide.

New claims 7, 8, 9 and 10 are added.